

UNITED STATES DISTRICT COURT  
Northern District of California

MARY EMILY FUNKE,

No. C 12-05323 MEJ

Plaintiff(s),

**ORDER TO SHOW CAUSE**

v.

DEL MONTE CORP,

Defendant(s).

On December 19, 2012, the Defendant(s) in the above-captioned matter filed a Motion to Transfer or, in the Alternative, Dismiss Complaint, with a noticed hearing date of January 24, 2013. Dkt. No. 6. However, Plaintiff(s) failed to file an opposition pursuant to Civil Local Rule 7. Accordingly, the Court hereby VACATES the January 24 hearing and ORDERS Plaintiff(s) Mary Emily Funke to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Plaintiff(s) shall file a declaration by January 17, 2013. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on January 31, 2013 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. In the alternative, Plaintiff may file a statement of non-opposition to the motion to transfer or motion to dismiss by January 17. Notice is hereby given to Plaintiff(s) that the Court may dismiss the case without a hearing if no responsive declaration is filed. Thus, it is imperative that Plaintiff(s) file a written response by the deadline above.

The January 17, 2013 Case Management Conference is VACATED.

**IT IS SO ORDERED.**

Dated: January 4, 2013

  
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Maria-Elena James  
United States Magistrate Judge